

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

03-MDL-1570 (GBD)(SN)

**JAMES ABREU; BURDETTE AUSTIN;
VICTOR BALLESTEROS; KEITH
BURNS; TYRONE BUTLER; MARK
DISCHNER; MICHAEL DORIAN;**

**Michael Fabozzi, as
Administrator/Executor of the Estate of
John Ryan, Deceased, and all heirs and
assigns;**

**BERNARD FELDMANN; PHILIP
FLOOD; PATRICK GALLAGHER;
JEANLOUISE KELLY; GEORGE
KRANT; JOHN LAMPASONE; JOSEPH
MANERI; JOSEPH MAUER; MARK
MAZURKIEWICZ; JANET MORALES;
KILVIO MOREL; DEAN PATTONA;
NANCY RAMOS; CAROL ROBLES-
ROMAN; JOHN RUDDEN; FRANK
RYAN; RICHARD SCANLON;**

**Russ (Rosario) Taormina, individually and
as Administrator/Executor of the Estate of
Frances Taormina, Deceased, and all heirs
and assigns;**

**Bridget Urbano, individually and as
Administrator/Executor of the Estate of
Donald Urbano, Deceased, and all heirs
and assigns;**

**Georgina Valentin, individually and as
Administrator/Executor of the Estate of
Harry Valentin, Deceased, and all heirs and
assigns;**

**Rose Ward, individually and as
Administrator/Executor of the Estate of
Thomas Ward, Deceased, and all heirs and
assigns;**

SCOTT WILLIAMS;

18-CV-12318 (GBD)(SN)

**SAUDI ARABIA SHORT FORM
COMPLAINT AND DEMAND FOR
TRIAL BY JURY**

Plaintiffs,

-against-

KINGDOM OF SAUDI ARABIA,

Defendant.

Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Kingdom of Saudi Arabia, arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of May 3, 2017, ECF No. 3543. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463, or (b) the Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1.

Upon filing this Saudi Arabia Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391 (b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction is premised on the grounds set forth in the complaints specified below, and further, jurisdiction of this Saudi Arabia Short Form Complaint is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S.C. § 1605(a)(5) (non-commercial tort exception)
- ☒ 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act)
- ☒ 28 U.S.C. § 1330 (actions against foreign states)
- ☐ Other (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP): _____

_____.

CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

- ☒ **Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463 (check all causes of action that apply)**
 - ☒ COUNT I – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA).
 - ☒ COUNT II – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(a).
 - ☒ COUNT III – Committing Acts of International Terrorism in violation of 18 U.S.C. § 2333.
 - ☒ COUNT IV – Wrongful Death.
 - ☐ COUNT VI – Alien Tort Claims Act.

- ☒ COUNT VII – Assault and Battery.
- ☒ COUNT VIII – Conspiracy.
- ☒ COUNT IX – Aiding and Abetting.
- ☒ COUNT X – Intentional Infliction of Emotional Distress.
- ☒ COUNT XII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents.
- ☒ COUNT XIII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents.
- ☐ COUNT XIV – 18 U.S.C. § 1962(a)–(d) – CIVIL RICO.
- ☒ COUNT XV – Trespass.
- ☒ COUNT XVI – Violations of International Law.
- ☐ **Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1 (check all causes of action that apply)**
 - ☐ First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
 - ☐ First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
 - ☐ Second Cause of Action for Wrongful Death Damages Pursuant to State Tort Law
 - ☐ Second Cause of Action for Personal Injury Damages Pursuant to State Tort Law
 - ☐ Third Cause of Action for Wrongful Death Damages Pursuant to the Alien Tort Claims Act
 - ☐ Third Cause of Action for Personal Injury Damages Pursuant to the Alien Tort Claims Act
- ☐ Each Plaintiff asserts the following additional theories and/or Causes of Action against the Kingdom of Saudi Arabia: _____

IDENTIFICATION OF PLAINTIFFS

4. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Saudi Arabia Short Form Complaint, herein referred to as “Plaintiffs.”

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Saudi Arabia Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in this Saudi Arabia Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.
- d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant’s actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Saudi Arabia Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
- a. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

IDENTIFICATION OF THE DEFENDANT

5. The only Defendant named in this Saudi Arabia Short Form Complaint is the Kingdom of Saudi Arabia.

NO WAIVER OF OTHER CLAIMS

4. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.

5. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

JURY DEMAND

6. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Saudi Arabia Short Form Complaint as appropriate.

Dated: December 28, 2018

Respectfully submitted,

/s/ Robert T. Haefele

Jodi Westbrook Flowers, Esq.

Donald A. Migliori, Esq.

Michael Elsner, Esq. (NY Bar #ME8337)

Robert T. Haefele, Esq. (NY Bar #RH2811)

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COUNSEL FOR PLAINTIFFS

APPENDIX 1

Each line below is deemed an allegation, incorporating the allegations, language, and references within the Saudi Arabia Short Form Complaint to which this Appendix 1 is appended and shall be referenced as Allegation 1 of Appendix 1 to the Saudi Arabia Short Form Complaint, Allegation 2 of Appendix 1 to the Saudi Arabia Short Form Complaint, etc.

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent	9/11 Decedent's Citizenship/ Nationality on 9/11/2001	Nature of Claim (wrongful death, solatium, personal injury)
1	Abreu, James	NY	USA				personal injury
2	Austin, Burdette	NY	USA				personal injury
3	Ballesteros, Victor	NY	USA				personal injury
4	Burns, Keith	NY	USA				personal injury
5	Butler, Tyrone	NY	USA				personal injury
6	Dischner, Mark	NY	USA				personal injury
7	Dorian, Michael	PA	USA				personal injury
8	Fabozzi, Michael	CA	USA	John Ryan	Administrator/ Executor	USA	Wrongful death
9	Feldmann, Bernard	NY	USA				personal injury
10	Flood, Philip	NY	USA				personal injury
11	Gallagher, Patrick	NY	USA				personal injury
12	Kelly, Jeanlouis	NY	USA				personal injury
13	Krant, George	NY	USA				personal injury
14	Lampasone, John	NY	USA				personal injury

15	Maneri, Joseph	NY	USA				personal injury
16	Mauer, Joseph	NY	USA				personal injury
17	Mazurkiewicz, Mark	NY	USA				personal injury
18	Morales, Janet	NY	USA				personal injury
19	Morel, Kilvio	NY	USA				personal injury
20	Pattona, Dean	NY	USA				personal injury
21	Ramos, Nancy	NY	USA				personal injury
22	Robles-Roman, Carol	NY	USA				personal injury
23	Rudden, John	NY	USA				personal injury
24	Ryan, Frank	NY	USA				personal injury
25	Scanlon, Richard	NY	USA				personal injury
26	Taormina, Russ (Rosario)	NY	USA	Frances Taormina	Administrator/Executor (Brother)	USA	Wrongful death, solatium
27	Urbano, Bridget	NY	USA	Donald Urbano	Administrator/Executor (Spouse)	USA	Wrongful death, solatium
28	Valentin, Georgina	NJ	USA	Harry Valentin	Administrator/Executor (Spouse)	USA	Wrongful death, solatium
29	Ward, Rose	NY	USA	Thomas Ward	Administrator/Executor (Spouse)	USA	Wrongful death, solatium
30	Williams, Scott	NJ	USA				personal injury